



ADMINISTRATION FOR
CHILDREN & FAMILIES



Monitoring and Supporting License-
Exempt Child Care
Regional Webinar





Welcome!

Nina Johnson

Technical Assistance Specialist

National Center on Child Care Quality Improvement

Introductions

Poll Question: *What are your biggest questions about regulating, monitoring, and supporting exempt care?*

Outline



National
Landscape



Regulating



Supporting



Determining
Cost



Building Support
for Changes



National Landscape

CCDBG Act of 2014



License-exempt providers serving CCDF children (with the exception of relatives if exempted by the State) must meet CCDF health and safety requirements. (OCC, 2015)

Effective Date: November 19, 2016



CCDBG Act of 2014

States and Territories must have health and safety requirements in place for child care providers that serve children receiving CCDF assistance that cover the following topics:

Prevention and control of infectious diseases (including immunization)

SIDS and use of safe sleep practices

Administration of medication

Prevention of and response to food allergies

Building and physical premises safety

Prevention of shaken baby syndrome and abusive head trauma

Emergency preparedness and response planning

Storage of hazardous materials and bio contaminants

Precautions in transporting children (if applicable)

First-aid and CPR

Nutrition and physical activity (optional)



CCDBG Act of 2014

For Licensed CCDF Providers – States must conduct one pre-licensure inspection for health, safety, and fire standards; and annual, unannounced inspections.

For License-Exempt CCDF Providers (except those serving relatives) – State must conduct annual inspections for compliance with health, safety, and fire standards. The law does not require that these monitoring visits be unannounced, but ACF recommends that States consider unannounced visits for license-exempt providers since experience shows they are effective in promoting compliance.

Effective Date: November 19, 2016



CCDBG Act of 2014

A State has the option of using **differential monitoring strategies**, provided that the monitoring visit is still representative of the full complement of licensing and CCDF health and safety standards.

Note that monitoring strategies that rely on sampling of providers or allow for a frequency of less than once per year for providers that meet certain criteria are not allowable. The law clearly states that each child care provider serving a child receiving CCDF assistance shall receive an inspection of not less than annually.



CCDBG Act of 2014

In addition to the new requirements to conduct monitoring visits, States and Territories are now required to have policies in place to ensure that

Licensing inspectors are qualified and have received training in related health and safety requirements

Ratio of inspectors to providers must be sufficient to ensure visits occur in a timely manner



Exempt Care Population

Family Home Child Care

Center/School-Based Care

- Faith-based, schools, recreation

In-Home Care (child's home)

- Consider IRS Guidance regarding employment taxes



National Data

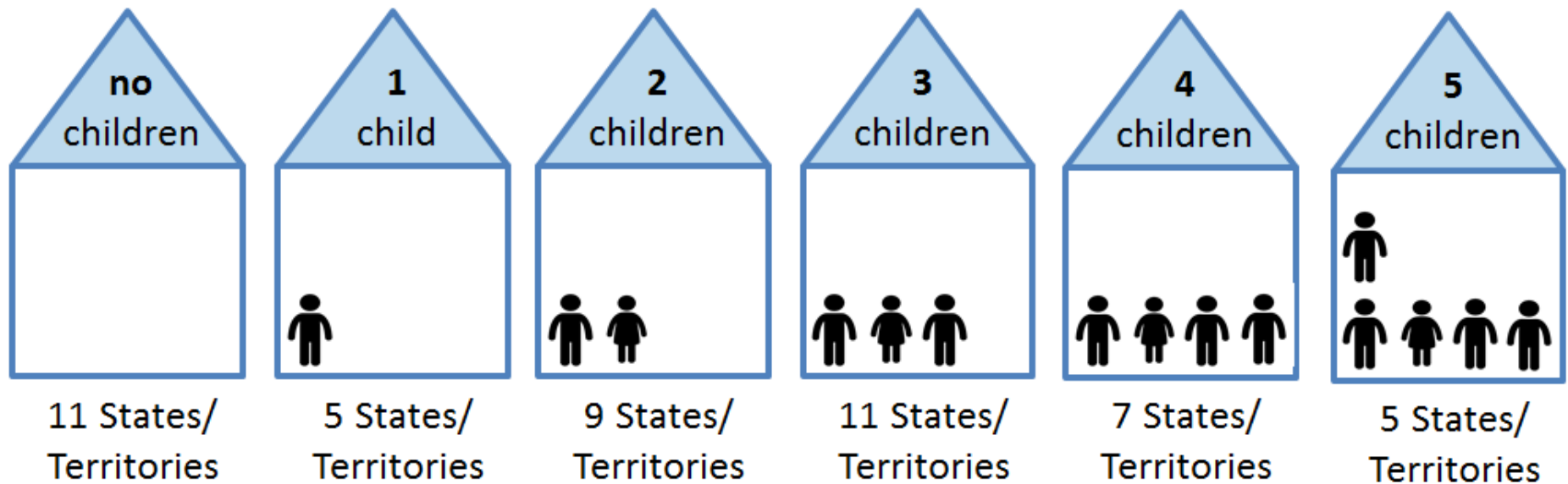
Common Exemptions

Exemption	Percent of States
Small number of children in care	51%
Recreation programs	32%
Program offers religious instruction	32%
Preschool program operated by a public school	34%
Program is a club (e.g., Boys and Girls Club)	21%



National Data

Number of unrelated children that can be cared for in family child care without a license





Discussion Questions

Does your State/Territory exempt family child care from licensing?

Does your State/Territory exempt programs that are faith-based, school-based, recreational, or others?

Does your State/Territory exempt in-home care?



Regulating

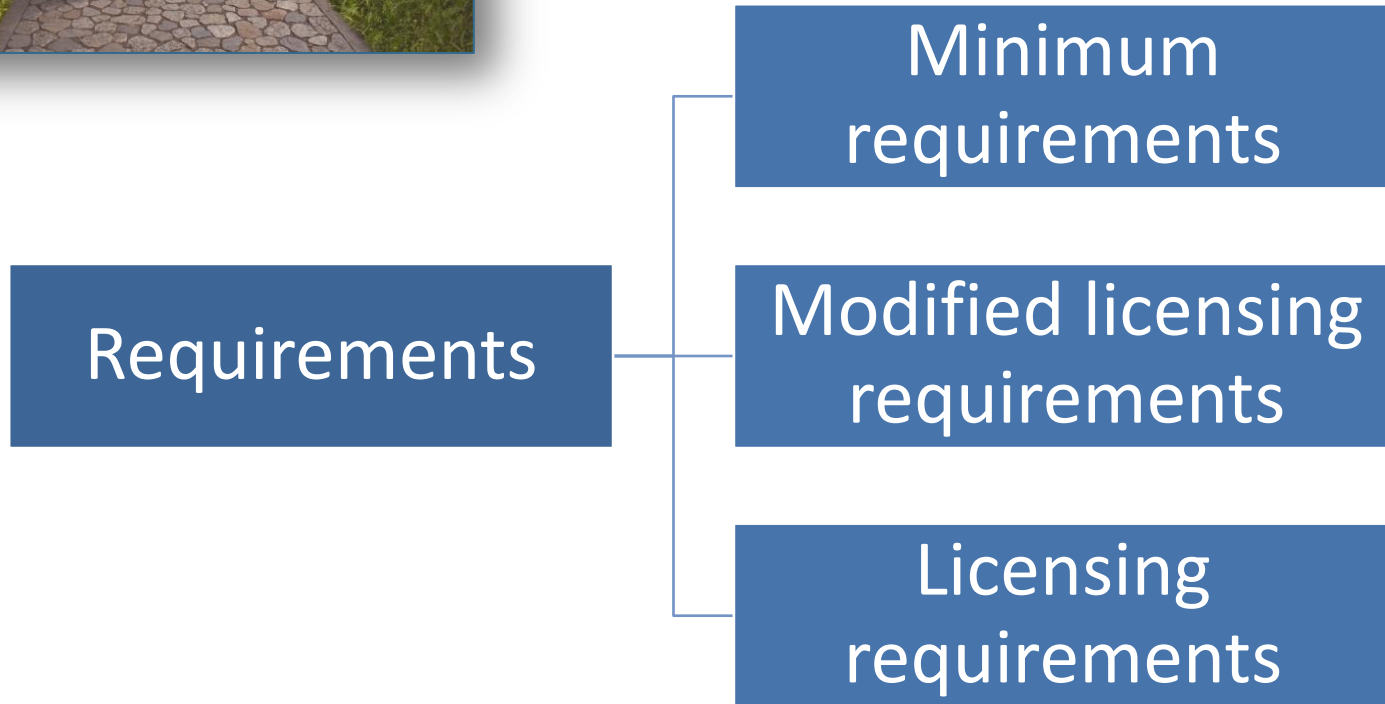
Requirements

Inspections

Enforcement



Decision Points





Considerations

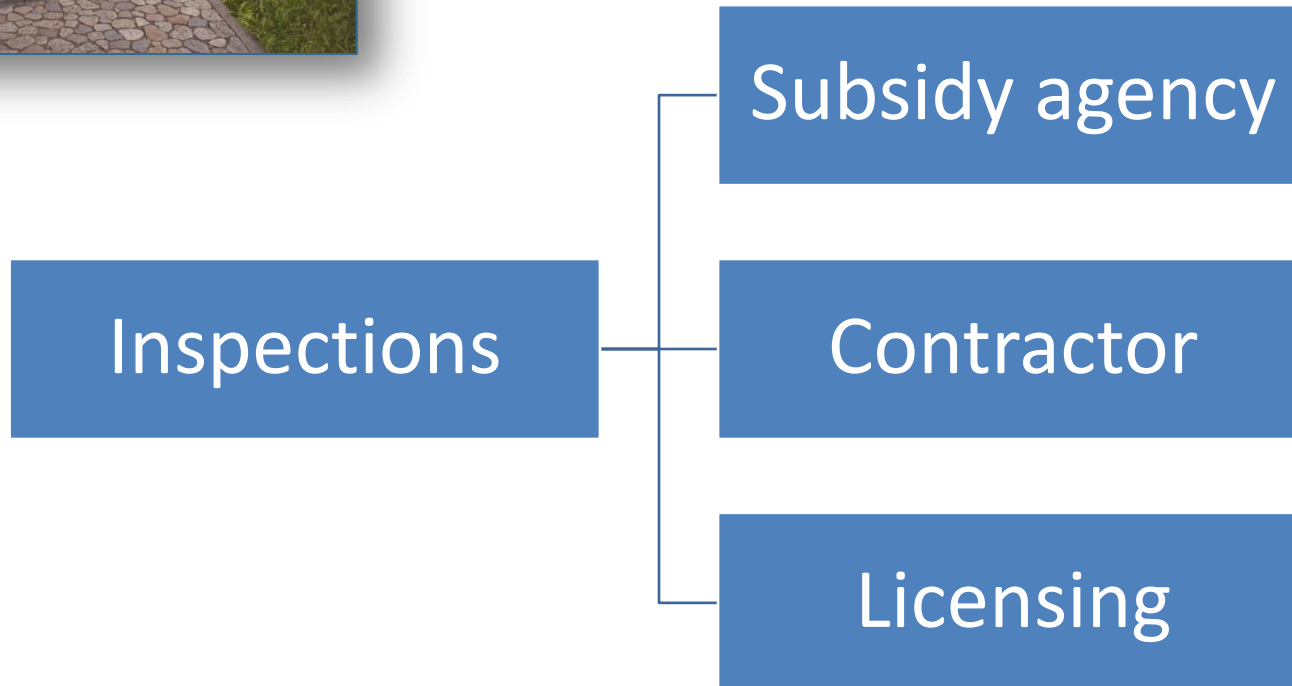
Consider the implications of specific requirements.

- Will providers incur a cost in meeting the requirement?
- Will language, literacy, or lack of resources be a barrier in meeting the requirement?
- How can you support providers in meeting the requirement?





Decision Points





Considerations

Considerations for the Monitoring Agency

- Understands unique needs of providers
- Can create an infrastructure to support regulatory administration
- Has or can develop staff resources
- Has staff located across the State/Territory to reduce travel costs

Additional staff

- Cost, number, and qualifications of monitors is largely determined by which agency does the inspections



Agency Responsible for Inspections

Option

Subsidy Agency

Implications

Simplifies
communication with
subsidy system

Must build skills and
knowledge about
regulations, monitoring, and
support for exempt
providers

Outcomes

A system built on existing CCDF infrastructure eases communication but requires building knowledge and skills within subsidy unit



Subsidy Agency



Arizona

- Non-relative providers serving up to four children must be certified
- At least two visits annually (one unannounced)
- Monitored by specialized staff in subsidy agency
- Licensing in separate agency
- DES-Certified homes may participate in QRIS



Agency Responsible for Inspections

Option

Contracted
Agency

Implications

Overhead costs
may be lower

May capitalize on
existing
knowledge, skills,
and relationships
within
communities

Contract must
include clear
expectations

Communication
among several
agencies must
be considered

Outcome

A system capitalizing on existing resources, but which
requires clear communication and contract language





Contracted Agency

Indiana

- Legally license-exempt providers (LLEPs) caring for fewer than six unrelated CCDF children are certified
- LLEPs receive at least annual inspections
- Indiana contracts with The Consultants Consortium (TCC) to certify LLEPs



Agency Responsible for Inspections

Option

Licensing staff

Implications

Requires clear communication with Subsidy agency

Capitalizes on existing monitoring and support system

Requirements can be less rigorous than licensing

Outcome

A system that takes advantage of existing resources, but which requires close communication with CCDF and other partners





Licensing Staff

Arkansas

- Home providers must be licensed to care for more than five children
- Licensing unit monitors license-exempt CCDF homes three times annually



Agency Responsible for Inspections

Option

All CCDF
Providers are
Licensed

Implications

More rigorous
regulations may
result in longer
visits and more
violations

Providers may
opt out of the
system but
continue to care
for children

All providers are
held to the same
standard

Capitalizes on
existing
monitoring and
support system

Outcome

Fewer family child care providers meeting higher level
standards





All Home-Based CCDF Providers are Licensed

Ohio

- Family child care homes must be licensed if receiving CCDF funding or caring for more than 5 children
- Family child care homes serving 5 or fewer children are exempt from licensing if they do not receive CCDF





Progressive Enforcement

Terminal Sanctions

- Emergency closure
- Denial or revocation
- Petition for court intervention

Intermediate Sanctions

- Fines
- Reduce capacity or reduce admissions for cause
- Stipulated consent agreements

Preventative and Corrective Strategies

- Compliance monitoring
- Technical assistance, training, consulting
- Violation with corrective action plan

Adapted from NARA and
the Muskie School of Public
Service, University of
Southern Maine (2007)





Appeals

Appeals Process

- Timeframe
- Location
- Staff involvement
- Access to legal staff





Communication



Child Welfare

- Response to allegations of abuse or substantiated abuse

Subsidy and CACFP

- Corrective actions

Families

- Complaints
- Subsidy termination





States' Lessons Learned

Loss of providers

Providers not home

Adjusting caseload in urban and rural regions

Support to come into compliance

Collaboration and alignment of programs and agencies



Preserving Access to Care

How can States and Territories work to maintain access to care as regulations and monitoring increase?

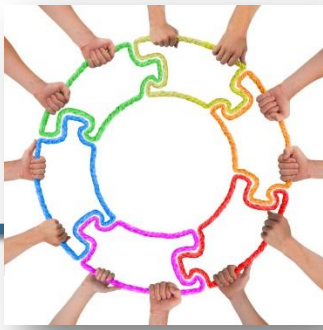
- Ask providers why they're opting out
- Use geo-mapping to pinpoint areas where improved access is needed
- Use CCR&R to assist with identifying need and recruitment strategies
- Increase time spent providing TA
- Discourage the use of unregulated care
- Use contracts and grants
- Use progressive enforcement

Discussion





Supporting



Considerations

What are the characteristics of exempt providers?

What types of support will they need?

What types of knowledge and skills are useful in monitoring and supporting exempt providers?



State Examples

Training and Resource Distribution

Play and Learn

Home Visiting

Linking FFN and Publicly-Funded Programs

Contracts and Grants

Increased rates



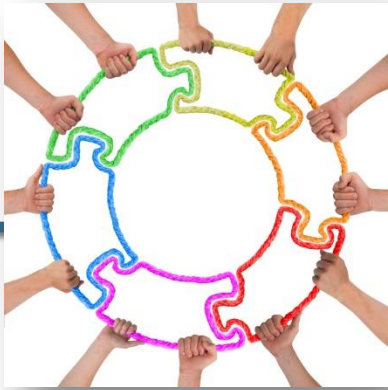
Support Systems

Data collection

Monitoring tools

Initial and ongoing training for monitors

Orientation and training for providers

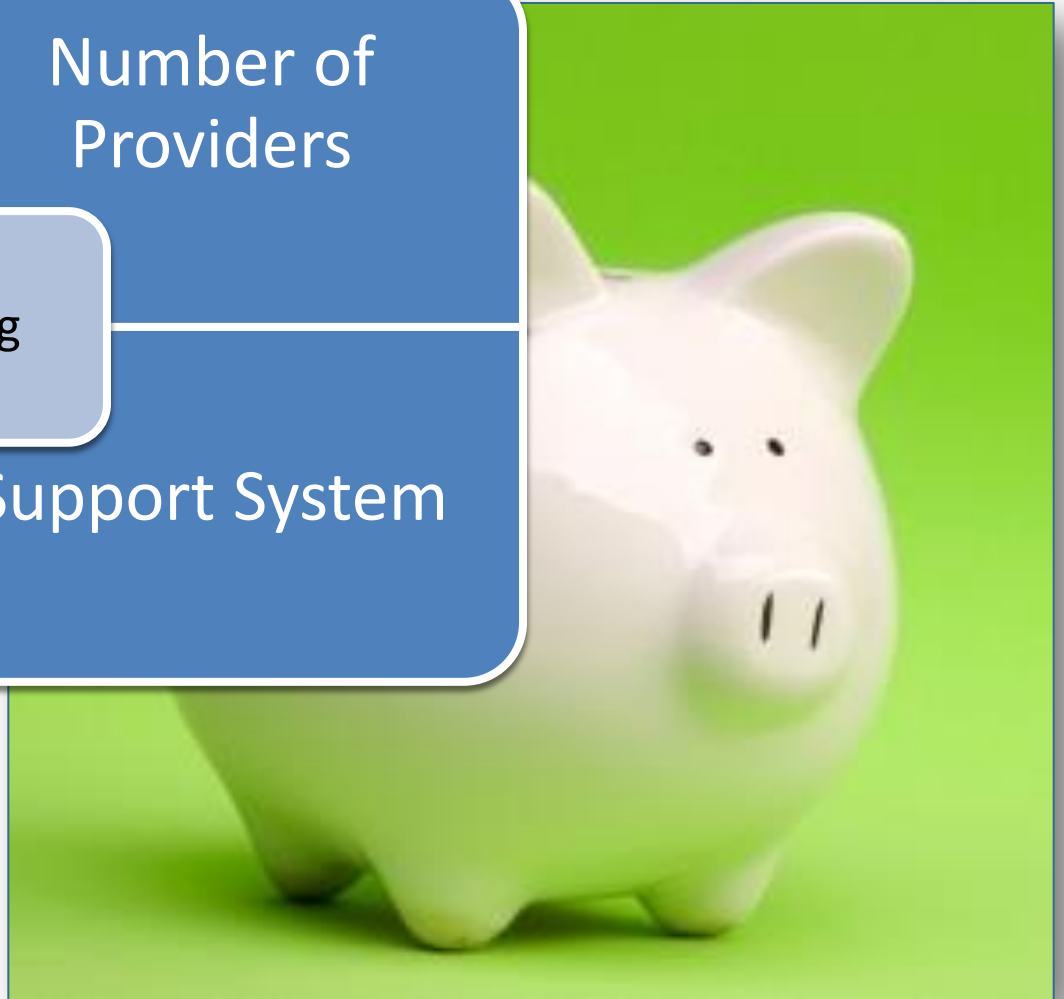
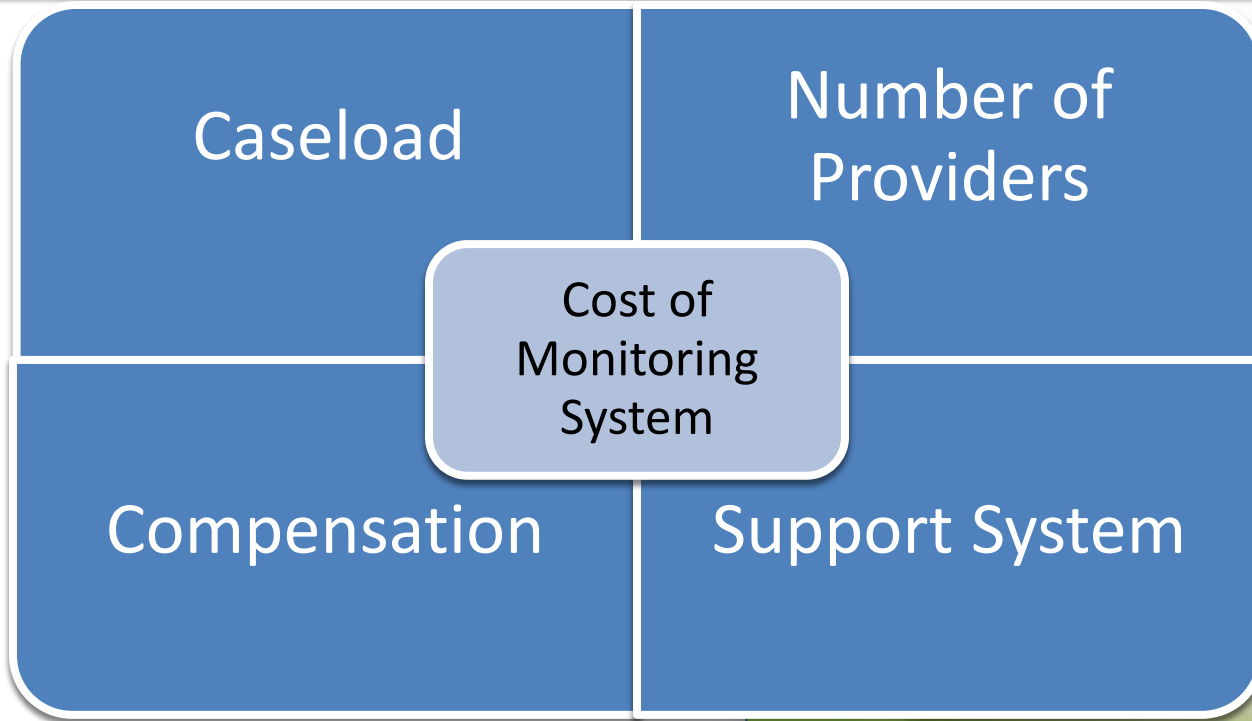


Discussion

Can you expand your current support system for licensed providers to include exempt providers?

If not, what other options are you considering?

Cost Drivers





Caseload

Length of visits

- Rigor of requirements

Frequency of visits

- Response to complaints and follow-ups

Travel time

Additional responsibilities of inspectors

- Deskwork, hearings, accompanying staff on inspections



Number of Providers

Threshold for licensure

Access to licensed care

Who is monitored

Requirements and level of oversight

Turnover rate



Staff Compensation

Monitors' salaries, benefits, and overhead

Supervisors' salaries, benefits, and overhead

Support staff

Internal staff or contractors



Discussion

Have you analyzed what it might cost to monitor exempt providers?

Have you considered building efficiencies into your current system?



Building Support

Enlisting Advocates



Unions

FCC and Afterschool Networks

Child Care Associations

Business leaders

Legislators

Parents

Subsidy staff



Strategies

Bring legislators and business leaders into homes and facilities

Partner with unions and family child care associations

Bring outspoken providers into advisory groups

Communicate early and often

Use mailings, emails, social media, meetings, and webinars



Talking Points

What are some **talking points** to justify regulating and monitoring exempt care that would resonate in your state?



Discussion

What successful strategies have you used to build support for licensing changes?

Can you replicate these strategies for exempt providers?

References

Child Care and Development Block Grant Act of 2014, 42 USC 9801 (2014). Retrieved from <http://www.gpo.gov/fdsys/pkg/PLAW-113publ186/pdf/PLAW-113publ186.pdf>.

National Center on Child Care Quality Improvement. (2015). *Compilation of Child Care Licensing Regulations*. Unpublished data.

Office of Child Care. (2015). *CCDF Reauthorization Frequently Asked Questions*. Washington, DC: Author. Retrieved from <http://www.acf.hhs.gov/programs/occ/resource/ccdf-reauthorization-faq>.



Resources

Building Support for Licensing (2014), by NCCCQI

<https://childcareta.acf.hhs.gov/resource/building-support-licensing>

Revising State Licensing Requirements: Readiness for Change, (2013), by NCCCQI <https://childcareta.acf.hhs.gov/resource/revising-state-licensing-requirements-readiness-change>

National Program Standards Crosswalk Tool (n.d.), by NCCCQI

<https://occqrisguide.icfwebservices.com/index.cfm?do=crosswalk>

Data Explorer

<https://childcareta.acf.hhs.gov/data>



Resources (cont.)

Contemporary Issues in Licensing (2014), a series of eight issue reports by NCCCCQI

<https://childcareta.acf.hhs.gov/topics/health-and-safety-and-licensing>

NARA's *Licensing Workload Assessment* (Available upon request from NARA)

Caring for Our Children, National Health and Safety Performance Standards: Guidelines for Out-of-Home Child Care, 3rd Edition (2011), by the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education <http://cfoc.nrckids.org/>



Resources (cont.)

Stepping Stones to Caring for Our Children, 3rd Edition (2013), by the American Academy of Pediatrics, American Public Health Association, and the National Resource Center for Health and Safety in Child Care and Early Education

<http://nrckids.org/index.cfm/products/stepping-stones-to-caring-for-our-children-3rd-edition-ss3/>

The National Resource Center for Health and Safety in Child Care and Early Education has the full text of all States' child care licensing regulations on its Web site at

<http://nrckids.org/index.cfm/resources/state-licensing-and-regulation-information/>.



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Thank You

Phone: 877-296-2250

Email: OCCQualityCenter@icfi.com



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